

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Rose Carlson v Optima Oil Enterprises Inc**
Docket No. **279603**
L.C. No. **06-000571-CD**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal filed on July 30, 2007, is DISMISSED for lack of jurisdiction as to the MCR 7.202(6)(a)(i) final judgment entered on June 12, 2007, because the claim of appeal was not filed within 21 days of that judgment as required by MCR 7.204(A)(1)(a). The July 16, 2007 MCR 7.202(6)(a)(iv) final order as to attorney fees and costs did not toll the time period to file the claim of appeal as to the June 12, 2007 MCR 7.202(6)(a)(i) final order. See MCR 7.203(A)(1) and *Baitinger v Brisson*, 230 Mich App 112 (1998). The claim of appeal does remain pending as to the July 16, 2007 final order but this appeal is limited to just that order. Any appeal of the June 12, 2007 judgment must be by application for leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 30 2007

Date

Sandra Schultz Mengel

Chief Clerk